

United States Senate

WASHINGTON, DC 20510

March 18, 2019

The Honorable Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Wheeler,

We strongly oppose any action that could lead to the undoing of the Mercury Rule (the Mercury and Air Toxics Standards Rule). We write to urge you to withdraw the Environmental Protection Agency's (EPA) December 27, 2018 proposal that finds it is no longer "appropriate and necessary" to regulate mercury and air toxic emissions from coal and oil fired power plants which could lead to the undoing of the rule. Mercury is a deadly toxin that harms the development of fetuses and children. It makes no sense to take any action that could lead to the weakening of mercury emission standards.

We support the Mercury Rule because cleaner air means better health, a better economy, and better jobs for residents of our states. As a result of the Mercury Rule, power plants are emitting nearly 90 percent less mercury than a decade ago and we are already seeing the public health benefits. We agree with EPA's decision to keep the Mercury Rule in place. However, if EPA finds that it is no longer "appropriate and necessary" to regulate mercury emissions from coal and oil fired power plants, it could lead to the undoing, or weakening, of the Mercury Rule. This could result in installed mercury and air toxic control technology to be turned off, erasing all the benefits we have seen from the Mercury Rule.

Utilities have already spent rate-payer dollars to fully comply with the Mercury Rule. Keeping the "appropriate and necessary" finding in place and protecting the rule provides much-needed regulatory certainty for the electric power industry and consumers. The last compliance deadline for the Mercury Rule passed more than two years ago and the utility industry has repeatedly stated that they support the Mercury Rule and that no changes are necessary. Providing utilities with regulatory certainty by keeping the Mercury Rule in place and effective will help to maintain steady electricity prices for American families across the country.

We believe it is critical to protect our children and our families from dangerous mercury pollution. While we understand that quantifying the monetary benefits of reduced mercury emissions is difficult, there are numerous important non-monetized benefits to the health of our children. According to the National Institutes of Health, mercury is a highly toxic element, there are no known safe levels of exposure, and it is a "serious health hazard for children." We believe it is critical to protect our children and our families from this dangerous pollutant. Therefore, we believe it is essential that EPA keep in place the "appropriate and necessary" determination.

Today, Americans are breathing cleaner air and their health is better due in part to the Mercury Rule. In short, the Mercury Rule works and we urge EPA to withdraw its proposal to revoke the "appropriate and necessary" finding and ensure there are no future changes that would undermine the Mercury Rule.

Sincerely,

United States Senate

WASHINGTON, DC 20510



LAMAR ALEXANDER
United States Senator



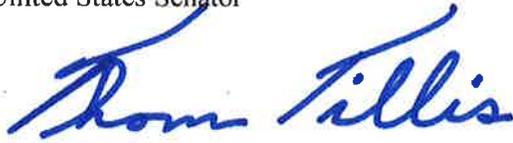
TOM CARPER
United States Senator



SUSAN M. COLLINS
United States Senator



JOE MANCHIN III
United States Senator



THOM TILLIS
United States Senator



SHERROD BROWN
United States Senator